

From: [REDACTED]
To: [State Development Infrastructure and Industry Committee](#)
Subject: submission: Sustainable Planning and Other Legislation Bill 2012
Date: Friday, 12 October 2012 6:39:08 PM

State Development, Infrastructure and Industry Committee Queensland Parliament

Thank you for the opportunity to comment on the Sustainable Planning and Other Legislation Amendment Bill 2012.

My comments are about the proposed amendment to the "own costs" rules of the Queensland Planning and Environment Court (P&E Court). I consider the "own costs" provision should remain as it currently stands in the legislation.

At present, each party pays its own costs for cases held in the P&E Court. If the rules were changed such that one party could be up for paying the other side's costs if they lose, it would mean ordinary people, community groups and volunteer organisations would be dissuaded from taking cases to the P&E Court for fear of the potentially crushing financial burden in the event of a loss. For individuals it could mean losing all their assets; for community organisations it could mean they cease to function.

I believe an amendment to the "own costs" rule would have a negative impact on the democratic process because it means only wealthy organisations and individuals could participate in challenging decisions by way of the P&E Court. It would mean that many cases that have been fought and won to improve environmental outcomes, heritage values and community amenity would no longer be possible, and our society would be the poorer for it.

It's my understanding that a very low percentage of development applications are actually taken to trial. However, the fact that the potential is there may effectively act as an incentive to raise the standard of many development applications in the first instance. I believe this is of benefit to our society and could be lost if the "own costs" rule is changed.

I make the above comments having had firsthand experience with community groups that have taken on cases in the P&E court that resulted in good outcomes for the community.

I would also like to register my concern that there has been inadequate public consultation on the development of the Bill prior to its introduction to parliament. I believe the process of improving legislation will result in better outcomes by hearing firsthand from the public of their experience on the ground.

Submission made by
Dr Jan Aldenhoven

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